

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 39 be amended to read as follows:

- 1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 21-14-4-1, AS ADDED BY P.L.2-2007,  
4 SECTION 255, IS AMENDED TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies to the  
6 following persons:  
7           (1) A person who:  
8               (A) is a pupil at the Soldiers' and Sailors' Children's Home;  
9               (B) was admitted to the Soldiers' and Sailors' Children's  
10 Home because the person was related to a member of the  
11 armed forces of the United States;  
12               (C) is eligible to pay the resident tuition rate at the state  
13 educational institution the person will attend as determined  
14 by the institution **and is a resident of Indiana as**  
15 **determined by the commission;** and  
16               (D) possesses the requisite academic qualifications.  
17           (2) A person:  
18               (A) whose mother or father:  
19                   (i) served in the armed forces of the United States;  
20                   (ii) received the Purple Heart decoration or was  
21 wounded as a result of enemy action; and  
22                   (iii) received a discharge or separation from the armed  
23 forces other than a dishonorable discharge;  
24               (B) who is eligible to pay the resident tuition rate at the  
25 state educational institution the person will attend as  
26 determined by the institution **and is a resident of Indiana**  
27 **as determined by the commission;** and  
28               (C) who possesses the requisite academic qualifications.  
29           (3) A person:  
30               (A) whose mother or father:  
31                   (i) served in the armed forces of the United States

- 1 during a war or performed duty equally hazardous that  
2 was recognized by the award of a service or campaign  
3 medal of the United States;  
4 (ii) suffered a service connected death or disability as  
5 determined by the United States Department of  
6 Veterans Affairs; and  
7 (iii) received any discharge or separation from the  
8 armed forces other than a dishonorable discharge;  
9 (B) who is eligible to pay the resident tuition rate at the  
10 state educational institution the person will attend as  
11 determined by the institution **and is a resident of Indiana**  
12 **as determined by the commission;** and  
13 (C) who possesses the requisite academic qualifications.

14 SECTION 2. IC 21-14-4-2, AS AMENDED BY P.L.141-2008,  
15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2009]: Sec. 2. (a) Subject to subsection (b), an eligible  
17 applicant is entitled to enter, remain, and receive instruction in a state  
18 educational institution upon the same conditions, qualifications, and  
19 regulations prescribed for other applicants for admission to or scholars  
20 in the state educational institutions, without the payment of ~~any~~  
21 ~~educational costs~~ **tuition and regularly assessed fees** for ~~one hundred~~  
22 ~~twenty-four (124) semester credit hours~~ **eight (8) semesters (or the**  
23 **equivalent)** in the state educational institution.

24 (b) The maximum amount that an eligible applicant is exempt  
25 from paying for a semester hour is an amount equal to the cost of an  
26 undergraduate semester credit hour at the state educational institution  
27 in which the eligible applicant enrolls.

28 SECTION 3. IC 21-14-4-4, AS ADDED BY P.L.2-2007,  
29 SECTION 255, IS AMENDED TO READ AS FOLLOWS  
30 [EFFECTIVE JULY 1, 2009]: Sec. 4. If an eligible applicant:

- 31 (1) is permitted to matriculate in the state educational institution;  
32 (2) qualifies under this chapter; and  
33 (3) has earned or has been awarded ~~a cash scholarship~~ **nonstate**  
34 **tuition based gift aid** that is paid or payable to a state  
35 educational institution, from any source;

36 the amount paid shall be applied to the credit of the eligible applicant  
37 in the payment of ~~incidental expenses~~ **tuition and regularly assessed**  
38 **fees** of the eligible applicant's attendance at the state educational  
39 institution ~~The balance, if the terms of the scholarship permit, must be~~  
40 ~~returned to the eligible applicant before the application of state~~  
41 **tuition based aid from any source. The amount of state aid the**  
42 **student may receive in total from any source or fund may not**  
43 **exceed eight (8) semesters (or the equivalent).**

44 SECTION 4. IC 21-14-4-8, AS ADDED BY P.L.2-2007,  
45 SECTION 255, IS AMENDED TO READ AS FOLLOWS  
46 [EFFECTIVE JULY 1, 2009]: Sec. 8. The amount of the benefits under  
47 this chapter is equal to one (1) of the following amounts:

- 48 (1) If the applicant does not receive financial assistance  
49 specifically designated for ~~educational costs;~~ **tuition and**  
50 **regularly assessed fees,** the amount determined under sections  
51 2 through 6 of this chapter.

(2) If the applicant receives financial assistance specifically designated for ~~educational costs~~; **tuition and regularly assessed fees**:

(A) the amount determined under sections 2 through 6 of this chapter; minus

(B) the financial assistance specifically designated for ~~educational costs~~; **tuition and regularly assessed fees**.

SECTION 5. IC 21-14-6-2, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. The children of a public safety officer who has been killed in the line of duty are not required to pay ~~educational costs~~ **tuition and regularly assessed fees** at a state educational institution or state supported technical school, so long as the children are less than twenty-three (23) years of age and are full-time students pursuing a prescribed course of study.

SECTION 6. IC 21-14-6-3, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. The surviving spouse of a public safety officer who has been killed in the line of duty is not required to pay ~~educational costs~~ **tuition and regularly assessed fees** at a state educational institution or state supported technical school, as long as the surviving spouse is pursuing a prescribed course of study at the institution towards an undergraduate degree.

SECTION 7. IC 21-14-6-4, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The amount of the benefits under this chapter is equal to one (1) of the following amounts:

(1) If an eligible applicant does not receive financial assistance specifically designated for ~~educational costs~~; **tuition and regularly assessed fees**, the amount determined under section 2 or 3 of this chapter that is applicable to the eligible applicant.

(2) If an eligible applicant receives financial assistance specifically designated for ~~educational costs~~; **tuition and regularly assessed fees**:

(A) the amount determined under section 2 or 3 of this chapter that is applicable to the eligible applicant; minus

(B) the financial assistance specifically designated for ~~educational costs~~; **tuition and regularly assessed fees**.

SECTION 8. IC 21-14-7-1, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies to an individual:

(1) whose father, mother, or spouse:

(A) was a member of the Indiana National Guard; and

(B) suffered a service connected death while serving on state active duty (as described in IC 10-16-7-7);

(2) who is eligible to pay the resident tuition rate (as determined by the state educational institution) at the state educational institution in which the individual is enrolled or will enroll **and is a resident of Indiana as determined by the commission**;

and

(3) who possesses the requisite academic qualifications.

SECTION 9. IC 21-14-7-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.5. As used in this chapter, "regularly assessed fees" means fees charged to every enrolled student.**

SECTION 10. IC 21-14-7-2, AS AMENDED BY P.L.141-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Subject to subsection (b), an eligible applicant is ~~exempt from the payment of educational costs for instruction~~ **eligible for a grant covering tuition and regularly assessed fees** at the state educational institution in which the eligible applicant is enrolled or will enroll.

(b) The maximum amount that an eligible applicant is ~~exempt from paying~~ **eligible to receive** for a semester hour is an amount equal to the cost of an undergraduate semester credit hour at the state educational institution in which the eligible applicant enrolls.

SECTION 11. IC 21-14-7-3, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. An eligible applicant may receive the tuition ~~exemption grant~~ under this chapter for all semester credit hours in which the eligible applicant enrolls up to a maximum of ~~one hundred twenty-four (124) semester credit hours~~; **eight (8) semesters (or the equivalent).**

SECTION 12. IC 21-14-7-4, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. An eligible applicant qualifying for or receiving the tuition ~~exemption grant~~ under this chapter is entitled to enter, remain, and receive instruction at a state educational institution under the same conditions, qualifications, and regulations that apply to:

(1) applicants for admission to; or

(2) students enrolled in;

the state educational institution who do not qualify for or receive the ~~educational costs exemption~~; **tuition grant.**

SECTION 13. IC 21-14-7-6, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. If an eligible applicant:

(1) qualifies for or is receiving the ~~educational costs exemption~~ **tuition grant** under this chapter; and

(2) receives other financial assistance specifically designated for ~~educational costs~~ **tuition and regularly assessed fees** at the state educational institution in which the individual is enrolled or will enroll;

the state educational institution shall deduct the amount of the financial assistance specifically designated for ~~educational costs~~ **tuition and regularly assessed fees** from the amount of the ~~educational costs exemption~~ **tuition grant** under this chapter.

SECTION 14. IC 21-14-7-7, AS ADDED BY P.L.2-2007,

SECTION 255, IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2009]: Sec. 7. If an eligible applicant:

- (1) qualifies for or is receiving the ~~educational costs exemption~~  
**tuition and regularly assessed fee aid** under this chapter; and
- (2) earns or is awarded a ~~cash scholarship~~ **nonstate tuition  
based gift aid** from any source that is paid or payable to the state  
educational institution in which the eligible applicant is enrolled  
or will enroll;

the state educational institution shall credit the amount of the ~~cash  
scholarship~~ **gift aid** to the eligible applicant for the payment of  
~~incidental expenses~~ **tuition and regularly assessed fees** incurred by  
the eligible applicant in attending the state educational institution ~~with  
the balance, if any, of the award, if the terms of the scholarship permit,  
paid to the eligible applicant. before the application of state tuition  
based aid from any source. The amount of state aid the student  
may receive in total from any source of fund may not exceed eight  
(8) semesters (or the equivalent).~~

SECTION 15. IC 21-14-7-8, AS ADDED BY P.L.2-2007,  
SECTION 255, IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2009]: Sec. 8. The determination as to whether  
an individual is eligible for the ~~educational costs exemption~~ **tuition  
and regularly assessed fee aid** authorized by this chapter is vested  
exclusively with the military department established by IC 10-16-2-1.

SECTION 16. IC 21-14-7-9, AS ADDED BY P.L.2-2007,  
SECTION 255, IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2009]: Sec. 9. An eligible applicant for the  
~~educational costs exemption~~ **tuition grant** must make a written request  
to the adjutant general for a determination of the individual's eligibility.

SECTION 17. IC 21-14-7-10, AS ADDED BY P.L.2-2007,  
SECTION 255, IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2009]: Sec. 10. In response to each request  
under this chapter for ~~an educational costs exemption;~~ **a tuition grant**,  
the adjutant general shall make a written determination of the  
applicant's eligibility.

SECTION 18. IC 21-14-7-11, AS ADDED BY P.L.2-2007,  
SECTION 255, IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2009]: Sec. 11. (a) An applicant for ~~an  
educational costs exemption~~ **a tuition grant** under this chapter may  
appeal an adverse determination in writing to the military department  
not more than fifteen (15) business days after the date the applicant  
receives the determination under this chapter.

(b) The military department shall issue a final order not more than  
fifteen (15) business days after the department receives a written  
appeal under subsection (a).".

Page 1, line 11, delete ";" and insert:

**"and is a resident of Indiana as determined by the commission;".**

Page 1, after line 12, begin a new paragraph and insert:

"SECTION 20. IC 21-14-10-1.5 IS ADDED TO THE INDIANA  
CODE AS A **NEW** SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2009]: **Sec. 1.5. As used in this chapter, "regularly assessed fees" means fees charged to every enrolled student.**

SECTION 21. IC 21-14-10-2, AS ADDED BY P.L.141-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Subject to subsection (b), an eligible applicant is entitled to enter, remain, and receive instruction in a state educational institution upon the same conditions, qualifications, and regulations prescribed for other applicants for admission to or scholars in the state educational institution, without the payment of any ~~educational costs for one hundred twenty-four (124) semester credit hours~~ **tuition and regularly assessed fees for eight (8) semesters (or the equivalent)** in the state educational institution.

(b) The maximum amount **of tuition grant per semester hour** that an eligible applicant is ~~exempt from paying for a semester hour~~ **eligible to receive** is an amount equal to the cost of an undergraduate semester credit hour at the state educational institution in which the eligible applicant enrolls.

SECTION 22. IC 21-14-10-4, AS ADDED BY P.L.141-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. If an eligible applicant:

- (1) is permitted to matriculate in a state educational institution;
- (2) qualifies under this chapter; and
- (3) has earned or has been awarded a ~~cash scholarship~~ **nonstate tuition based gift aid** that is paid or payable to the state educational institution, from any source;

the amount paid shall be applied to the credit of the eligible applicant in the payment of ~~incidental expenses~~ **tuition and regularly assessed fees** of the eligible applicant's attendance at the state educational institution ~~The balance, if the terms of the scholarship permit, must be returned to the eligible applicant before the application of state tuition based aid from any source. The amount of state aid the student may receive in total from any source or fund may not exceed eight (8) semesters (or the equivalent).~~

SECTION 23. IC 21-14-10-8, AS ADDED BY P.L.141-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. The amount of the benefits under this chapter is equal to one (1) of the following:

- (1) If the eligible applicant does not receive financial assistance specifically designated for ~~educational costs~~, **tuition and regularly assessed fees**, the amount determined under sections 2 through 6 of this chapter.
- (2) If the eligible applicant receives financial assistance specifically designated for ~~educational costs~~, **tuition and regularly assessed fees**:
  - (A) the amount determined under sections 2 through 6 of this chapter; minus
  - (B) the financial assistance specifically designated for ~~educational costs~~. **tuition and regularly assessed fees.**

SECTION 24. THE FOLLOWING ARE REPEALED

- 1 [EFFECTIVE JULY 1, 2009]: IC 21-14-4-3; IC 21-14-7-5;
- 2 IC 21-14-10-3."
- 3 Renumber all SECTIONS consecutively.  
(Reference is to SB 39 as printed January 23, 2009.)

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Senator WYSS